



ATTORNEY DOCKET NO. CSHL.005.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Roberto Malinow et al.**)  
Serial No.: **09/353,126**) Examiner:  
Filed: **July 14, 1999**) Art Unit: 1647  
For: **DIAGNOSTIC METHODS FOR DRUG**) **PETITION FOR FILING DATE**  
**SCREENING FOR ALZHEIMER'S DISEASE**) **UNDER 37 CFR 1.53(b)**

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Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants' attorney petitions the Honorable Commissioner to confirm the filing date accorded the subject application.

A filing date was accorded the subject application. This application is a continuation of an application in which it was not clear that drawings had been filed as the cover sheet and postcard did not indicate that drawings were included, but the application did refer to 5 figures. Since the situation is not free from doubt, applicants' attorney cancelled all reference to the figures in the parent application. The subject application was inadvertently filed with four figures. This error has only now been brought to Applicants' attention by way of a Notice of Drawing Inconsistency.

Accompanying this response is an amendment canceling the references to the drawings. Since the drawings are unnecessary for a complete description of the invention, the filing date accorded the subject application should be confirmed.

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2005.

Signature: Barbara Rae-Venter

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March 21, 2005

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The claimed subject invention is a method for screening drugs for treatment of Alzheimer's disease. The methodology employed is based on published procedures. The figures are graphs whose data are extensively set forth in the specification in the description of the figures. The data set forth are adequate for demonstrating the results and providing a comparison for the results obtained to results which might be obtained in the future. In addition, there is verbal description of the methodology, in addition to the literature directions, direction one would expect for the results for an effective drug, as well as standards to be used. See particularly, page 8, line1 to page 9, line 29.

The drawings are unnecessary for an understanding of the methodology, the nature of the cells used and the anticipated results for effectiveness of a drug. The drawings graph the results reported in the literature and merely provided a convenient assembly of the data.

In view of the above remarks, the Honorable Commissioner is respectfully requested to confirm the filing date accorded the subject application and direct issuance of this application as it has already been allowed and the issue fee paid. The appropriate fee under 37 CFR 1.17(h) accompanies this petition.

Respectfully submitted,

Dated: \_\_\_\_\_

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